

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**LARRY J. AUSTIN, et al.,
Plaintiffs,**

v.

**GRAHAM TAYLOR, ESQ., et al.,
Defendant.**

)
)
)
)
)
)
)

Civil Action No. 1:15cv49

ORDER

Plaintiffs initiated this matter by filing a complaint against defendants on January 12, 2015. By Order dated May 26, 2015, plaintiffs were directed to show cause by 5:00 p.m., Friday, June 5, 2015, why this case should not be dismissed pursuant to Rule 4(m), Fed. R. Civ. P. based on plaintiffs' failure to serve defendants within 120 days after the complaint was filed.

Plaintiffs filed a timely response to the show cause order on June 5, 2015. In the response, plaintiffs request "a stay or continuance of at least 180 days in order to assess developments in the related cases . . . before deciding whether to serve the Defendants here or else dismiss the case." Resp. (Doc. 3) at 1. Plaintiffs also request "a stay" of this matter on the ground that "[p]laintiffs' capabilities to prosecute their claims herein has [sic] been virtually vitiated by the severe medical condition of Plaintiff Austin who has the greatest knowledge of the other two corporate Plaintiffs." *Id.* at 3.

Simply put, plaintiffs have failed to establish any good cause for their failure to effect service on defendants in accordance with the deadline set forth in Rule 4(m). To be sure, a 180-day delay in service to allow plaintiffs the opportunity to "assess developments in related

cases” is entirely inappropriate. Nor is any illness on the part of plaintiff Austin good cause to delay initial service of this matter. Nonetheless, as a matter of grace, plaintiffs will be afforded a brief additional period in which to effect service on defendants.

Accordingly,

It is hereby **ORDERED** that the May 26, 2015 show cause order is **VACATED**.

It is further **ORDERED** that plaintiffs may have until 5:00 p.m., Tuesday, June 30, 2015 to serve defendants in this matter and to file an appropriate affidavit of service in the CM/ECF filing system. In the event plaintiffs fail to serve defendants and file an appropriate affidavit of service by 5:00 p.m., Tuesday, June 30, 2015, the matter will promptly be dismissed without prejudice pursuant to Rule 4(m), Fed. R. Civ. P.

The Clerk is directed to send a copy of this Order to all counsel of record and to place this matter among the ended causes.

Alexandria, Virginia
June 16, 2015



T. S. Ellis, III
United States District Judge